

2011 DRAFTING REQUEST

Bill

Received: **06/02/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau 6-6778**

By/Representing: **Kuesel**

May Contact:

Drafter: **jkuesel**

Subject: **State Govt - state bldg proj
Higher Education - UW System**

Addl. Drafters:

Extra Copies: **PG - 1
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Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

UW building contracting and construction; bidding procedures; gifts of real property

Instructions:

Per attached # 13, #14 and #15 - internal for JFC substitute to AB-40.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 06/03/2011	kfollett 06/04/2011		_____			
/1			jfrantze 06/04/2011	_____	sbasford 06/04/2011		
/2	jkuesel 06/04/2011	kfollett 06/04/2011	jfrantze 06/04/2011	_____	sbasford 06/04/2011		

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/?	jkuesel 06/03/2011	kfollett 06/04/2011					
/1		12/5f 6/4	jfrantze 06/04/2011	GG SBB	sbasford 06/04/2011		
FE Sent For:							
<div style="text-align: center;">  6/4 <END> </div>							

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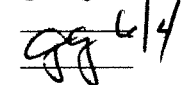
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1/1	jkuesel 6/3/11		 6/4	Sbb  6/4			

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Date (time)
needed

BILL

LRB - 219111
JTK: gf:

SAT 6/4

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:** *Construction and contracting... procedures for and gifts of real property to the University of Wisconsin system and granting rule-making authority.*
[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create** → **anal:** → **title:** → **head**

For the subheading, execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create** → **anal:** → **text**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-118771 ins

JTK

INS ANAL JTK:

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, with limited exceptions, each state agency, including the UW system, must submit for approval of the Building Commission any contract for engineering, design, or construction of, or for the reconstruction, remodeling, or expansion of, a building, structure, or facility if the project cost exceeds \$150,000, and if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW system, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW system, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. ~~DOA must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that five percent of the total amount that the state spends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and a that a portion of that amount is also paid to disabled veteran-owned businesses~~

This bill deletes DOA's and the governor's responsibility for management, supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the University of Wisconsin if the project is funded entirely from the proceeds of gifts or grants made to the university. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project does not exceed \$500,000. Under the bill, the University of Wisconsin is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, each building, structure, or facility that is constructed for the benefit or use of any state agency, including the UW system, is not subject to municipal ordinances and regulations, except zoning requirements. This bill exempts any building, structure, or facility that is constructed by or for the University of Wisconsin from compliance with any municipal zoning requirement governing such construction. Currently, the UW system may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility

bidding
UW system
any project involving a cost of not more than \$500,000 that is funded entirely from sources other than general purpose revenue or general fund supported borrowing

and the project is funded entirely from sources other than general purpose revenue or general fund supported borrowing

This bill requires approval of the Building Commission only for a gift or grant of real property valued in excess of \$150,000

~~that is constructed for the benefit of the UW system without approval of the Building Commission. Under the bill, this restriction does not apply to the University of Wisconsin. Currently, no state agency, including the UW system, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the University of Wisconsin.~~

OTHER STATE GOVERNMENT

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW system, for its risk management costs. This bill permits the University of Wisconsin, with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

INS 2A →
INS JTK1:

SECTION 1. 13.48 (1) of the statutes is amended to read:

13.48 (1) POLICY. The legislature finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies and the University of Wisconsin including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building program, with funds to be provided by successive legislatures. The long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction, maintenance and reequipping of existing buildings and facilities, as determined by the building commission.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 2. 13.48 (1m)-(b) of the statutes is amended to read:

13.48 (1m) (b) The long-range public building program shall recognize the importance of historic properties and shall include a program of preservation and

restoration of those historic properties under the control of the state and the University of Wisconsin as provided in s. ~~44.41~~, including criteria for determining which historic properties should be preserved and restored.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 3. 13.48 (1m) (c) of the statutes is amended to read:

13.48 (1m) (c) The long-range public building program shall require the biennial review of each historic property under the control of the state and the University of Wisconsin to determine the current uses of the property and compliance by state agency compliance agencies and the University of Wisconsin ~~compliance~~ with the requirements of the long-range program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 4. 13.48 (1m) (d) of the statutes is amended to read:

13.48 (1m) (d) The building commission shall allocate, from that portion of the state building program funding which is available to all state agencies and the University of Wisconsin, an amount of funds deemed necessary by the building commission for the preservation, restoration and ~~maintenance~~ of historic properties under the control of the state and the University of Wisconsin.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 5. 13.49 (2) (b) 2. of the statutes is amended to read:

13.48 (2) (b) 2. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency or the University of Wisconsin, the building commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings

constructed for such agencies. The building commission shall fix the rental for all space in such buildings, and, notwithstanding any other statute, may remove to any building any department housed in the state capitol. After the completion of such buildings, they shall be in the charge of the department of administration as provided by s. 16.84.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 6. 13.48 (2) (d) of the statutes is amended to read:

13.48 (2) (d) The building commission, for the purpose of carrying out s. 36.33 relating to the sale and purchase of agricultural lands of the University of Wisconsin and the University of Wisconsin system, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the University of Wisconsin and for expenses incurred in selling agricultural lands presently owned by the University of Wisconsin and the University of Wisconsin system, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state or the University of Wisconsin in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund by the University of Wisconsin or the University of Wisconsin system. Sums advanced to the University of Wisconsin system shall be repaid from the appropriation made by s. 20.285 (1) (ka).

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 7. 13.48 (2) (e) 2. of the statutes is amended to read:

→ 7-5-5A

13.48 (2) (e) 2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's state building program which will serve as background for making further decisions.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 8. 13.48 (2) (g) of the statutes is amended to read:

13.48 (2) (g) The building commission shall review assessments on property of the state and the University of Wisconsin under s. 66.0703 (6).

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 9. 13.48 (3) of the statutes is amended to read:

✓ 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects ~~of state agencies or the University of Wisconsin~~ and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project costing \$500,000 or less ~~for any state agency or the University of Wisconsin~~ in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to

reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency ~~in the University of Wisconsin~~ except a project authorized under sub. (10) (c), and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 10. 13.48 (4) of the statutes is amended to read:

✓ 13.48 (4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. ~~Each~~ Whenever any state agency contemplating ~~by the University of Wisconsin~~ contemplates a project under ~~this~~ the state building program shall report its proposed projects the project to the building commission. The report shall be made on such date and in such manner as the building commission prescribes. This subsection does not apply to projects identified in sub. (10) (c).

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 11. 13.48 (6) of the statutes is amended to read:

13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the building commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the building commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The building commission shall include in the report any projects proposed by the state fair park board involving a cost of not more than \$250,000, together with the method

of financing proposed for those projects by the board, without recommendation. The building commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and the University of Wisconsin and shall file copies of its report with the governor-elect.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 12. 13.48 (10) (a) of the statutes is amended to read:

13.48 (10) (a) No Except as provided in par. (c). ~~no~~ state board, agency, officer, department, commission, or body corporate, ~~including the University of Wisconsin,~~ may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of \$150,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 13. 13.48 (10) (c) of the statutes is created to read:

13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project involving a cost of not more than \$500,000 to be constructed for the University of

system
Wisconsin that is funded entirely from the ~~proceeds of gifts or grants made to the~~
~~revenue or general fund~~ *supported borrowing*
~~University of Wisconsin~~

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 14. ~~13.48 (12)~~ (b) 5. of the statutes is created to read:

13.48 (12) (b) 5. A facility constructed by or for the University of Wisconsin.

SECTION 15. ~~13.48 (13)~~ (a) of the statutes is amended to read:

13.48 (13) (a) Except as provided in par. (b) or (c) or (d), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Quality Home Care Authority, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 16. ~~13.48 (13)~~ (d) of the statutes is created to read:

13.48 (13) (d) No construction undertaken by or for the University of Wisconsin is subject to any zoning ordinance or regulation of the county or municipality in which it is located governing such construction.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

****NOTE: Section 13.48 (14), stats., governing sale or lease of state lands and property, is not amended because by its terms it applies only to state agencies, state-owned buildings and structures, and state-owned land.

SECTION 17. 13.48 (15) of the statutes is amended to read:

13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. Subject to the requirements of s. 20.924 (1) (i), the building commission shall have the authority to acquire leasehold interests in land and buildings where such authority is not otherwise provided to an agency or the University of Wisconsin by law.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 18. 13.48 (19) of the statutes is amended to read:

13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855 if such action is in the best interest of the state or the University of Wisconsin and if the waiver is accomplished through formal action of the building commission. The building commission may authorize the lease, lease purchase or acquisition of such state facilities constructed in the manner authorized by the building commission. Subject to the requirements of s. 20.924 (1) (i), the building commission may also authorize the lease, lease purchase or acquisition of existing facilities in lieu of state construction of any project enumerated in the authorized state building program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 19. 13.48 (25) of the statutes is amended to read:

13.48 (25) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH. There is created a program, to be known as the Wisconsin initiative for state technology and applied research, for the purpose of providing financial support to

maintain the ability of the University of Wisconsin System, the University of Wisconsin, and other state agencies, as defined in s. 20.001 (1), to attract federal and private research funds which enable the state to engage in high-technology endeavors, which expand the state's economy and which influence the ability of the state and nation to compete in an increasingly complex world. To carry out the program, the building commission may authorize new construction projects and projects to repair and renovate existing research facilities and supporting systems. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 20. 13.48 (25m) of the statutes is amended to read:

13.48 (25m) HEALTHSTAR PROGRAM. There is created a program, to be known as the healthstar program, for the purpose of providing financial support to attract federal and private funds to construct health science facilities to spur interdisciplinary education and research activities at the University of ~~Wisconsin-Madison~~ Wisconsin. Projects financed under the program shall be designed to provide interdisciplinary health sciences education and research facilities, ancillary systems and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 21. 13.48 (25p) of the statutes is amended to read:

13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the biostar initiative, for the purpose of providing financial support to attract federal and

private funds to construct biological sciences facilities to spur biological sciences education and research activities at the University of Wisconsin-Madison Wisconsin. Projects financed under the program shall be designed to provide biological sciences education and research facilities, ancillary systems, and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 22. 13.48 (25t) of the statutes is amended to read:

13.48 (25t) WISBUILD INITIATIVE. There is created a program, to be known as the "Wisbuild initiative", for the purpose of providing financial support for the maintenance, repair and renovation of state-owned buildings owned by the state and the University of Wisconsin. Funding may be provided under the initiative for high priority, comprehensive building renovation projects, as well as for the maintenance and repair of the exterior components of buildings and, without limitation because of enumeration, systems such as mechanical, electrical, plumbing and other building systems. Funding may also be provided under the initiative for projects to remove barriers that reduce access to and use of state facilities and University of Wisconsin facilities by persons with disabilities. The building commission shall allocate available funding for the initiative. Projects funded as a part of the initiative shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 23. 13.48 (29) of the statutes is amended to read:

13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project that does not require prior approval of the building commission under sub. (10) (a), except projects specified in sub. (10) (c).

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History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8; 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

SECTION 24. 13.48 (28) (title) of the statutes is amended to read:

13.48 (28) (title) STATE AND UNIVERSITY OF WISCONSIN PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361.

****NOTE: Section 13.488, stats., is not amended because the section, except sub. (1m) relating to arbitrage payments, pertains to dummy building corporations which have not been used since 1969. No amendment of sub. (1m) is required.

****NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not amended because under the draft, the UW's real property will not be state-owned.

SECTION 25. 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87, performed by, or for, the state, or any department, board, institution, commission, or officer of the state, and any such work to be performed for the University of Wisconsin including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work to be performed for the University of Wisconsin with respect to a building, structure, or facility that is funded entirely with the proceeds of gifts or grants made to the university; the engineering, architectural, and construction work of the department of transportation; and the engineering service performed by the department of

*SYSTEMS
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commerce, department of revenue, public service commission, department of health services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning, of the physical properties of the state. The department may not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a child care center primarily for use by children of state employees.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 26. 16.85 (2) of the statutes is amended to read:

16.85 (2) To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency or the University of Wisconsin. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 27. 16.85 (4) of the statutes is amended to read:

16.85 (4) To approve the appointment of a chief operating engineer for each state-owned or operated heating, cooling or power plant and pumping station and each such plant owned or operated by the University of Wisconsin, to provide for the

methods of operating the plants and stations and to design records and forms for reporting accurately the cost per unit of product or service. The superintendent or other person having charge of each plant or station shall not only report to the agency which operates the plant or station or to the University of Wisconsin if the university operates the plant or station but to the secretary in the manner and at such times as the secretary determines. In this subsection, "agency" has the meaning given under sub. (2).

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 28. 16.85 (5) of the statutes is amended to read:

16.85 (5) To promote the use of energy conservation methods in state-owned facilities and facilities owned by the University of Wisconsin, to implement and refine a statewide energy monitoring system and to develop and implement initiatives of replacing fossil fuels with renewable energy fuels.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 29. 16.85 (7) of the statutes is amended to read:

16.85 (7) To rebuild and repair discarded machinery of the several state institutions and the University of Wisconsin when found feasible, and put the same back into service in the same department or at the university or in any other state department or the university, and upon requisition to furnish services and material and loan equipment at fair rentals based on the cost thereof, in connection with the construction, operation and maintenance of heating and power plants, utilities and equipment.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 30. 16.85 (10) of the statutes is amended to read:

16.85 (10) To prepare in cooperation with the state agencies concerned and with the University of Wisconsin, plans for the future growth and development of various state institutions and to serve as technical adviser to the building commission in connection with the development of the state long-range building program provided in ss. 13.48 and 13.482.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 31. 16.85 (12) of the statutes is amended to read:

16.85 (12) To review and approve plans and specifications for any building or structure that is constructed for the benefit of the University of Wisconsin System or any institution thereof, and to periodically review the progress of any such building or structure during construction to assure compliance with the approved plans and specifications. This subsection does not apply to any building, structure, or facility that is constructed, remodeled, repaired, renewed, or expanded for the University of Wisconsin if the project is funded entirely from the proceeds of gifts or grants made to the university.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185.

SECTION 32. 16.851 of the statutes is amended to read:

16.851 Plans for state and university buildings, structures or facilities.

Except as the department otherwise provides by rule, records of the department and the University of Wisconsin containing plans or specifications for any state-owned or state-leased or any university-owned or university-leased building, structure or facility, or any proposed state-owned or state-leased or university-owned or university-leased building, structure or facility, are not subject to the right of public inspection or copying under s. 19.35 (1). If the department or the University of Wisconsin transfers any records containing any such plans or specifications to any

University
of
Wisconsin

From
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other authority as defined in s. 19.32 (1), the department or university shall require the authority to agree in writing not to make the record available for public inspection or copying except as the department otherwise permits by rule.

History: 1995 a. 27.

SECTION 33. 16.8511 of the statutes is amended to read:

16.8511 Secretary of administration; powers, duties. (1) The secretary or the secretary's designated assistants shall make a biennial inspection of each building of each institution of the state and the University of Wisconsin. The secretary may delegate this responsibility to the board, commission or officer in charge of such institution.

(2) The secretary may delegate any of the work under this subchapter to the various state agencies or to the University of Wisconsin when the secretary determines that the best interests of the state or the university will be served. All such delegation will be in writing and accompanied by the proper rules and guidelines the agencies or the university must follow to ensure performance to the satisfaction of the secretary.

History: 2005 a. 149 ss. 67, 69.

SECTION 34. 16.855 (2) (intro.) of the statutes is amended to read:

16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the estimated construction cost of a project exceeds \$40,000, or if less and in the best interest of the state or the University of Wisconsin, the department shall:

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 35. 16.855 (2) (b) 2. of the statutes is amended to read:

16.855 (2) (b) 2. If the federal government participates in a state or University of Wisconsin project, the bid guarantee required in this paragraph controls, unless the federal government makes a specific provision for a different bid guarantee.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 36. 16.855 (5) of the statutes is amended to read:

16.855 (5) Any or all bids may be rejected if, in the opinion of the department, it is in the best interest of the state or the University of Wisconsin. The reasons for rejection shall be given to the bidder or bidders in writing.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 37. 16.855 (7) of the statutes is amended to read:

16.855 (7) The department may issue contract change orders, if they are deemed to be in the best interests of the state or the University of Wisconsin.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 38. 16.855 (10) of the statutes is amended to read:

16.855 (10) When the department believes that it is in the best interests of the state or the University of Wisconsin to contract for certain articles or materials available from only one source, it may contract for said articles or materials without the usual statutory procedure, after a publication of a class 1 notice, under ch. 985, in the official state newspaper.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 39. 16.855 (13) (c) of the statutes is amended to read:

16.855 (13) (c) Changes may be made in the list of subcontractors, with the agreement of the department and the prime contractor, when in the opinion of the

department it is in the best interests of the state or the University of Wisconsin to require the change.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 40. 16.855 (14) (b) of the statutes is amended to read:

16.855 (14) (b) The state is and the University of Wisconsin are not liable to a prime contractor for damage from delay caused by another prime contractor if the department or the university takes reasonable action to require the delaying prime contractor to comply with its contract. If the state or the university is not liable under this paragraph, the delayed prime contractor may bring an action for damages against the delaying prime contractor.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 41. 16.855 (16) (a) of the statutes is amended to read:

16.855 (16) (a) This section does not apply to contracts between the state or the University of Wisconsin and federal government or any agency thereof, or with any political subdivision of the state. Subject to the approval of the governor, the requirements of this section may be waived in emergency situations involving the public health, welfare or safety or with respect to contracting with public utilities, but only when any such waiver is deemed by the governor to be in the best interests of the state or the university.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 42. 16.855 (16) (b) 2. of the statutes is amended to read:

16.855 (16) (b) 2. In emergency situations, the governor may approve repairs and construction of a building, structure, or facility in lieu of building commission approval under s. 13.48 (10), and for such purposes, may authorize the expenditure of up to \$500,000 from the state building trust fund or from other available moneys

appropriated to an agency or other available moneys of the University of Wisconsin derived from any revenue source. The governor may delegate to the secretary the authority to grant approvals under this subdivision. The governor shall report any such authorization to the building commission at its next regular meeting following the authorization. In this subdivision, "emergency" means any natural or human-caused situation that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 43. 16.855 (20) of the statutes is amended to read:

✓ 16.855 (20) This section does not apply to construction work performed by University of Wisconsin System or University of Wisconsin students when the construction work performed is a part of a curriculum and where the work is course-related for the student involved. Prior approval of the building commission must be obtained for all construction projects to be performed by University of Wisconsin System or University of Wisconsin students, except projects specified in s. 13.48 (10)(c).

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 44. 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except sub. (10m), do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). The provisions of this section do not apply to construction work for any project by or for the University of Wisconsin that is funded entirely with the proceeds of gifts or grants made to the university. If the estimated construction cost of any project,

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other than a University of Wisconsin project that is exempted under this subsection,
is at least \$40,000, and the building commission elects to utilize the procedures
prescribed under s. 13.48 (29) to construct the project, the department shall provide
adequate public notice of the project and the procedures to be utilized to construct
the project on a publicly accessible computer site.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332
s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33,
157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 45. 16.858 (1) of the statutes is amended to read:

16.858 (1) The department may contract with a qualified contractor for an
energy conservation audit to be performed at any state-owned building, structure
or facility or any building, structure, or facility owned by the University of Wisconsin.
Under the contract, the contractor shall prepare a report containing a description of
the physical modifications to be performed to the building, structure or facility that
are required to effect specific future energy savings within a specified period and a
determination of the minimum savings in energy usage that will be realized by the
state or the University of Wisconsin from making these modifications within that
period. After review of the audit report and subject to approval under s. 13.48 (10),
where required, the department may contract with the contractor for construction
work to be performed at the building, structure or facility for the purpose of realizing
potential savings of future energy costs identified in the audit if, in the judgment of
the department, the anticipated savings to the state after completion of the work will
enable recovery of the costs of the work within a reasonable period of time.

History: 1997 a. 27; 1999 a. 9.

SECTION 46. 16.858 (2) of the statutes is amended to read:

16.858 (2) (a) A contract under sub. (1) may provide for the construction work
to be financed by the state or the University of Wisconsin or by the contractor. The

contract shall provide for the state or university to pay a stated amount, which shall include any financing costs incurred by the contractor. The stated amount may not exceed the minimum savings determined under the audit to be realized by the state or university within the period specified in the audit. The state or university shall make payments under the contract as the savings identified in the audit are realized by the state, in the amounts actually realized, but not to exceed the lesser of the stated amount or the actual amount of the savings realized by the state or university within the period specified in the audit. If the department provides financing for construction work, the department may finance any portion of the cost of the work under a master lease entered into as provided under s. 16.76 (4). If the department provides financing for the construction work and the stated amount to be paid by the state under the contract is greater than the amount of the savings realized by the state or the university within the period specified in the audit under sub. (1), the contract shall require the contractor to remit the difference to the department.

****NOTE: This treatment requires amendment of s. 16.76 (4), stats. to permit master leases to include the UW.

(b) The department shall charge the cost of payments made by the state or the University of Wisconsin to the contractor to the applicable appropriation for fuel and utility costs at the building, structure or facility where the work is performed in the amounts equivalent to the savings that accrue to the state or the university under that appropriation from expenditures not made as a result of the construction work, as determined by the department in accordance with the contract. The department may also charge its costs for negotiation, administration and financing of the contract to the same appropriation.

History: 1997 a. 27; 1999 a. 9.

SECTION 47. 16.858 (4) of the statutes is amended to read:

16.858 (4) No later than January 1 of each year, the secretary shall report to the cochairpersons of the joint committee on finance identifying any construction work for which the department has contracted under this section for which final payment has not been made as of the date of the preceding report, together with the actual energy cost savings realized by the state or the University of Wisconsin as a result of the contract to date, or the estimated energy cost savings to be realized by the state or the university if the total savings to be realized in the audit under sub. (1) have not yet been realized, the date on which the state or the university made its final payment under the contract or, if the final payment has not been made, the latest date on which the state or the university is obligated to make its final payment under the contract, and any amount that remains payable to the state or the university under the contract.

History: 1997 a. 27; 1999 a. 9.

SECTION 48. 16.865 (1) (a) of the statutes is amended to read:

16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the University of Wisconsin from losses which are catastrophic in nature and minimize total cost to the state of all activities related to the control of accidental loss.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 49. 16.865 (2) of the statutes is amended to read:

16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate exposure to loss to the state, its ~~and University of Wisconsin and their~~ employees or injury to the public by reason of fire or other accidents and fortuitous events at state-owned ~~and university-owned~~ properties or facilities.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 50. 16.865 (3) of the statutes is amended to read:

16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in procedures, program conditions or capital improvement for all agencies and the University of Wisconsin which would satisfactorily eliminate or reduce the existing exposure.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 51. 16.865 (4) of the statutes is amended to read:

16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10), manage the worker's compensation program for state and University of Wisconsin employees and the statewide self-funded programs to protect the state and University of Wisconsin from losses of and damage to state property and liability.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 52. 16.865 (5) of the statutes is amended to read:

16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate insurance contracts for the transfer of risk of loss on the part of the state and the University of Wisconsin or its their employees, to the extent such loss cannot reasonably be assumed by the individual agencies or the university or the self-funded programs. The placement of insurance may be by private negotiation rather than competitive bid, if such insurance has a restricted number of interested carriers. The department shall approve all insurance purchases.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 53. 16.865 (8) of the statutes is amended to read:

16.865 (8) ~~Annually~~ Except as provided in sub. (10), annually in each fiscal year, allocate as a charge to each agency and to the University of Wisconsin a proportionate share of the estimated costs attributable to programs administered by the agency or the university to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies and to the University of

Wisconsin to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28.

SECTION 54. 16.865 (10) of the statutes is created to read:

16.865 (10) This section does not apply to the University of Wisconsin for any fiscal year if the University of Wisconsin, no later than December 31 preceding the beginning of that fiscal year, provides written notice to the department that it has elected not to be governed by this section. Any notice of nonelection applies to all subsequent fiscal years unless the University of Wisconsin, no later than December 31 preceding the beginning of a fiscal year, provides written notice to the department that it has elected to be governed by this section. Any notice of election applies to all subsequent fiscal years unless the University of Wisconsin again provides timely notice of nonelection.

SECTION 55. 16.87 (2) (a) of the statutes is amended to read:

16.87 (2) (a) A contract for engineering services or architectural services or a contract involving an expenditure of \$10,000 or more for construction work, or \$30,000 or more for limited trades work, to be done for or furnished to the state or a department, board, commission, or officer of the state or the University of Wisconsin is exempt from the requirements of ss. 16.705 and 16.75.

History: 1973 c. 90; 1975 c. 39, 199; 1977 c. 418; 1979 c. 221 ss. 68, 81, 82; 1983 a. 27; 1983 a. 390 s. 6; 1985 a. 29 s. 3202 (1); 1989 a. 31; 1991 a. 39; 1995 a. 227; 1999 a. 197; 2001 a. 16; 2005 a. 391; 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 56. 16.87 (5) of the statutes is created to read:

16.87 (5) This ^{section} ~~subsection~~ does not apply to any project for the University of Wisconsin ^{System} that is funded entirely from the proceeds of gifts or grants made to the University of Wisconsin ^{System or to any such project involving}

^{a cost of not more than \$500,000 that is funded entirely from state}
SECTION 57. 16.875 of the statutes is amended to read:

^{than general purpose research or general fund support or borrowing}
16.875 Setoffs. All amounts owed by this state or the University of Wisconsin under this subchapter are subject to being set off under s. 73.12.

History: 1985 a. 29.

SECTION 58. 16.89 of the statutes is amended to read:

16.89 Construction and services controlled by this chapter. No department, independent agency, constitutional office or agent of the state shall employ engineering, architectural or allied services or expend money for construction purposes on behalf of the state, except as provided in this chapter. ~~The University of Wisconsin shall not employ engineering, architectural, or allied services or expend money for construction purposes on behalf of the university except as provided in this chapter and except that the university may engage such employment for any project that is financed entirely from the proceeds of gifts or grants made to the university~~ ^{board of regents of the University of Wisconsin} ^{or for any project involving a cost of not more than \$500,000 that is funded}

History: 1981 c. 390; 1983 a. 27.

SECTION 59. 16.891 (1) (b) of the statutes is amended to read:

^{entirely from sources other than general purpose research or general fund support or borrowing}

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department of revenue any tax identification information that the department of revenue requires to administer the program under this section.

History: 1985 a. 29; 1987 a. 312 s. 17; 1989 a. 31; 1997 a. 237; 2005 a. 25.

SECTION 93. 233.01 (7) of the statutes is amended to read:

233.01 (7) "On-campus facilities" means facilities that are located on land owned by the state or the University of Wisconsin, that are under the control of the board of regents or the board of trustees of the University of Wisconsin and that are primarily related to the operation of the University of Wisconsin Hospitals and Clinics and its related services.

History: 1995 a. 27.

****NOTE: This treatment, together with s. 13.48 (28), stats., maintains existing law that requires the Building Commission to avoid contracting state debt for facilities intended for use by UWHCA that would be located on existing campus property.

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The bill also directs the Board of Regents of the University of Wisconsin system to promulgate, by rule, bidding procedures to be used by the UW system for building projects that are exempted from compliance with the bidding procedures for state building projects prescribed under current law, subject to disapproval by either the Building Commission or the Joint Committee on Finance.

In addition, the bill provides that the authority of DOA to supervise state vehicle fleet management does not preclude the Board of Regents of the UW system from accepting gifts of motor vehicles.

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SECTION 1. 13.48 (2) (b) 1m. of the statutes is amended to read:

13.48 (2) (b) 1m. The University of Wisconsin System may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 \$150,000 or any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution thereof without the approval of the building commission.

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History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7.

SECTION 2. 16.04 (1e) of the statutes is created to read:

16.04 (1e) Subsection (1) does not preclude the board of regents of the University of Wisconsin system from accepting a gift of a motor vehicle.

SECTION 3. 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87, performed by, or for, the state, or any department, board, institution, commission, or officer of the state, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work to be performed for the University of Wisconsin system with respect to a building.

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structure, or facility that is funded entirely with the proceeds of gifts or grants made to the system or with respect to a building, structure, or facility constructed by or for the system involving a cost of not more than \$500,000 that is funded entirely from sources other than general purpose revenue or general fund supported borrowing, and except the engineering, architectural, and construction work of the department of transportation and the engineering service performed by the department of commerce, department of revenue, public service commission, department of health services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning, of the physical properties of the state. The department may not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a child care center primarily for use by children of state employees.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, 9116 (5), 9126 (19), 9136 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185; 2011 a. 7.

SECTION 4. 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except sub. (10m), do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project, other than a project constructed by or for the University of Wisconsin system that is exempted under sub. (23), is at least \$40,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide

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adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33, 157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 5. 16.855 (23) of the statutes is created to read:

16.855 (23) Subsections (1) to (10), (13), and (14) do not apply to construction work for any project constructed by or for the University of Wisconsin system that is funded entirely with the proceeds of gifts and grants made to the system or to any such project involving a cost of not more than \$500,000 that is funded entirely from sources other than general purpose revenue or general fund supported borrowing.

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SECTION 6. 36.11 (53) of the statutes is created to read:

36.11 (53) BIDDING PROCEDURES; BUILDING PROJECTS. The board shall prescribe, by rule, bidding procedures to be used by the system for building projects that are exempted from compliance with s. 16.855 (1) to (10), (13), and (14). Prior to the promulgation of any such rule or amendment thereto, the board shall submit a copy of the proposed rule or amendment thereto in final form to the department of administration, for transmittal to the building commission, and to the cochairpersons of the joint committee on finance. If neither the department nor the cochairpersons of the committee notify the board that the building commission or the joint committee on finance has scheduled a meeting for the purpose of reviewing the proposed rule or amendment thereto within 14 working days after the date of the board's submittal to the department and the cochairpersons, respectively, the board may promulgate the proposed rule or amendment thereto if otherwise authorized to do so. If, within 14 working days after the date of the board's submittal, the department or the cochairpersons notify the board that the building commission or the joint committee on finance has scheduled a meeting for the purpose of reviewing

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the proposed rule or amendment thereto, the board shall not promulgate the proposed rule without the approval of the body that scheduled the meeting.

SECTION 7. 36.29 (6) of the statutes is amended to read:

36.29 (6) The board may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 \$150,000 except as provided in s. 13.48 (2) (b) 1m.

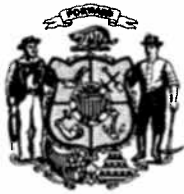
History: 1973 c. 335; 1983 a. 27, 192; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1995 a. 243; 2001 a. 102; 2003 a. 264.

SECTION 9152X. Nonstatutory provisions; University of Wisconsin system.

INTERIM BIDDING PROCEDURES PENDING RULE APPROVAL. Notwithstanding sections 16.855 (23) and ^Δ36.11 (53) of the statutes, as created by this act, all construction work for each project that is constructed by or for the University of Wisconsin system that is exempted from compliance with the provisions of section 16.855 (1) to (10), (13), and (14) of the statutes under this act shall remain subject to the provisions of section 16.855 (1) to (10), (13), and (14) of the statutes until the effective date of the rules required under section 36.11 (53) of the statutes, as created by this act.

Board of Regents and UW-Madison to report the number of positions created or abolished to DOA and the Joint Committee on Finance annually. Require the Board of Regents to continue to submit quarterly position reports to DOA and the Legislative Fiscal Bureau. Specify that the Board of Regents reports would include both UW System and UW-Madison positions.

10. *Dual Employment:* Specify that compensation received by a full-time employee of a UW System institution or the UW-Extension for work performed in addition to that employee's normal duties at that institution, another UW institution, or UW-Extension would not be limited by statute. Under current law, full-time employees of state agencies and authorities are prohibited from receiving more than \$12,000 in compensation for work performed at a state agency or authority in addition to their normal duties.
11. *Travel by UW System Employees:* Maintain current law regarding travel by UW System employees. Beginning on July 1, 2013, the Board of Regents would establish travel policies for UW System employees and establish a schedule for reimbursement of UW System employees for travel expenses. Under current law, DOA establishes travel policies all state employees and JCOER approves a uniform travel schedule for the reimbursement of state employees for travel expenses.
- ✓ 12. *Capital Planning:* UW System projects with costs of less than \$500,000 and funded entirely with gifts and grants would not require approval by the Building Commission. These projects would also be exempt from DOA supervision and oversight, exempt from current law provisions regarding bidding, and would not be charged the current 4% fee, unless UW System chooses to use DSF services. Prohibit the UW System from designating work related to a project as a separate project to be exempted under these provisions.
- ✓ 13. *Competitive Bidding Rules:* Require the Board of Regents to establish rules for competitive bidding for projects funded entirely with gifts and grants with costs of less than \$500,000 which would be exempt from current law provisions related to bidding under the motion. Specify that these rules must be approved by the Building Commission and the Joint Committee on Finance through a passive review process. Provide that all projects would be subject to current law provisions regarding public and competitive bidding until the competitive bidding rules developed by the Board of Regents are approved by the Building Commission and the Joint Committee on Finance.
- ✓ 14. *Gifts of Real Property:* Increase the current law threshold for approval by the Building Commission of gifts of real property to the Board of Regents from \$30,000 to \$150,000. In addition, authorize the Board of Regents to accept gifts of vehicles.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2191/1 ✓
JTK:kjf:jf

2011 BILL

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1 AN ACT *to amend* 13.48 (2) (b) 1m., 13.48 (3), 13.48 (4), 13.48 (10) (a), 13.48 (29),
2 16.85 (1), 16.85 (12), 16.855 (20), 16.855 (22), 16.89 and 36.29 (6); and *to create*
3 13.48 (10) (c), 16.04 (1e), 16.855 (23), 16.87 (5) and 36.11 (53) of the statutes;
4 **relating to:** construction and contracting procedures for and gifts of real
5 property to the University of Wisconsin System and granting rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for engineering, design, or construction of, or for the reconstruction, remodeling, or expansion of, a building, structure, or facility if the project cost exceeds \$150,000, and if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA.

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involves a cost of less than \$500,000 and

DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor.

This bill deletes DOA's and the governor's responsibility for management of, supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the UW if the project ~~is funded entirely from the proceeds of gifts or grants made to the UW System or any project involving a cost of not more than \$500,000 that is funded entirely from sources other than general purpose revenue or general fund supported borrowing.~~ The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project ~~does not exceed \$500,000 and the project is funded entirely from sources other than general purpose revenue or general fund supported borrowing.~~ Under the bill, the UW System is not required to adhere to any of the bidding requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 without approval of the Building Commission.

This bill requires approval of the Building Commission only for a gift or grant of real property valued in excess of \$150,000.

The bill also directs the Board of Regents of the UW System to promulgate, by rule, bidding procedures to be used by the UW System for building projects that are exempted from compliance with the bidding procedures for state building projects prescribed under current law, subject to disapproval by either the Building Commission or the Joint Committee on Finance.

In addition, the bill provides that the authority of DOA to supervise state vehicle fleet management does not preclude the Board of Regents of the UW System from accepting gifts of motor vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.48 (2) (b) 1m. of the statutes is amended to read:

13.48 (2) (b) 1m. The University of Wisconsin System may not accept any gift, grant or bequest of real property with a value in excess of ~~\$30,000~~ \$150,000 or any gift, grant or bequest of a building or structure that is constructed for the benefit of

The proceeds of gifts or grants made to the UW system

is less than

BILL

1 the system or any institution thereof without the approval of the building
2 commission.

3 **SECTION 2.** 13.48 (3) of the statutes is amended to read:

4 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the
5 program, the moneys appropriated to the state building trust fund under s. 20.867
6 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys
7 shall be deposited into the state building trust fund. At such times as the building
8 commission directs, or in emergency situations under s. 16.855 (16) (b), the governor
9 shall authorize releases from this fund to become available for projects and shall
10 direct the department of administration to allocate from this fund such amounts as
11 are approved for these projects. In issuing such directions, the building commission
12 shall consider the cash balance in the state building trust fund, the necessity and
13 urgency of the proposed improvement, employment conditions and availability of
14 materials in the locality in which the improvement is to be made. The building
15 commission may authorize any project costing \$500,000 or less in accordance with
16 priorities to be established by the building commission and may adjust the priorities
17 by deleting, substituting or adding new projects as needed to reflect changing
18 program needs and unforeseen circumstances. The building commission may enter
19 into contracts for the construction of buildings for any state agency, except a project
20 authorized under sub. (10) (c), and shall be responsible for accounting for all funds
21 released to projects. The building commission may designate the department of
22 administration or the agency for which the project is constructed to act as its
23 representative in such accounting.

24 **SECTION 3.** 13.48 (4) of the statutes is amended to read:

BILL**SECTION 3**

1 13.48 (4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. ~~Each~~ Whenever any
2 state agency ~~contemplating~~ contemplates a project under ~~this~~ the state building
3 program ~~it~~ shall report ~~its proposed projects~~ the project to the building commission.
4 The report shall be made on such date and in such manner as the building
5 commission prescribes. This subsection does not apply to projects identified in sub.
6 (10) (c).

7 **SECTION 4.** 13.48 (10) (a) of the statutes is amended to read:

8 13.48 (10) (a) ~~No~~ Except as provided in par. (c), no state board, agency, officer,
9 department, commission or body corporate may enter into a contract for the
10 construction, reconstruction, remodeling of or addition to any building, structure, or
11 facility, in connection with any building project which involves a cost in excess of
12 \$150,000 without completion of final plans and arrangement for supervision of
13 construction and prior approval by the building commission. The building
14 commission may not approve a contract for the construction, reconstruction,
15 renovation or remodeling of or an addition to a state building as defined in s. 44.51
16 (2) unless it determines that s. 44.57 has been complied with or does not apply. This
17 section applies to the department of transportation only in respect to buildings,
18 structures and facilities to be used for administrative or operating functions,
19 including buildings, land and equipment to be used for the motor vehicle emission
20 inspection and maintenance program under s. 110.20.

21 **SECTION 5.** 13.48 (10) (c) of the statutes is created to read:

22 13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project
23 involving a cost of ~~not more~~ ^{less} than \$500,000 to be constructed for the University of
24 Wisconsin System that is funded entirely from ~~sources other than general purpose~~ ^{the proceeds of gifts and grants}
25 ~~revenue or general fund supported borrowing~~ ^{Made to the System}

BILL

1 **SECTION 6.** 13.48 (29) of the statutes is amended to read:

2 13.48 **(29)** SMALL PROJECTS. Except as otherwise required under s. 16.855
3 (10m), the building commission may prescribe simplified policies and procedures to
4 be used in lieu of the procedures provided in s. 16.855 for any project that does not
5 require prior approval of the building commission under sub. (10) (a), except projects
6 specified in sub. (10) (c).

7 **SECTION 7.** 16.04 (1e) of the statutes is created to read:

8 16.04 **(1e)** Subsection (1) does not preclude the Board of Regents of the
9 University of Wisconsin System from accepting a gift of a motor vehicle.

10 **SECTION 8.** 16.85 (1) of the statutes is amended to read:

11 16.85 **(1)** To take charge of and supervise all engineering or architectural
12 services or construction work, as defined in s. 16.87, performed by, or for, the state,
13 or any department, board, institution, commission, or officer of the state, including
14 nonprofit-sharing corporations organized for the purpose of assisting the state in the
15 construction and acquisition of new buildings or improvements and additions to
16 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work
17 to be performed for the University of Wisconsin System with respect to a building,

18 structure, or facility, involving a cost of less than \$500,000
19 that is funded entirely with the proceeds of gifts or grants made
20 to the system or with respect to a building, structure, or facility constructed by or for
21 the system involving a cost of not more than \$500,000 that is funded entirely from
22 sources other than general purpose revenue or general fund supported borrowing.

23 and except the engineering, architectural, and construction work of the department
24 of transportation and the engineering service performed by the department of
25 commerce, department of revenue, public service commission, department of health
services, and other departments, boards, and commissions when the service is not

BILL**SECTION 8**

1 related to the maintenance, and construction and planning, of the physical
2 properties of the state. The department may not authorize construction work for any
3 state office facility in the city of Madison after May 11, 1990, unless the department
4 first provides suitable space for a child care center primarily for use by children of
5 state employees.

6 **SECTION 9.** 16.85 (12) of the statutes is amended to read:

7 16.85 (12) To review and approve plans and specifications for any building or
8 structure that is constructed for the benefit of the University of Wisconsin System
9 or any institution thereof, and to periodically review the progress of any such
10 building or structure during construction to assure compliance with the approved
11 plans and specifications. This subsection does not apply to any building, structure,
12 or facility that is constructed, remodeled, repaired, renewed, or expanded for the
13 University of Wisconsin System ^{involving a cost of less than \$500,000} if the project is funded entirely from the proceeds of
14 gifts or grants made to the ^{system} University of Wisconsin System or if the project involves
15 a cost of not more than \$500,000 and is funded entirely from sources other than
16 general purpose revenue or general fund supported borrowing.

17 **SECTION 10.** 16.855 (20) of the statutes is amended to read:

18 16.855 (20) This section does not apply to construction work performed by
19 University of Wisconsin System students when the construction work performed is
20 a part of a curriculum and where the work is course-related for the student involved.
21 Prior approval of the building commission must be obtained for all construction
22 projects to be performed by University of Wisconsin System students, except projects
23 specified in s. 13.48 (10) (c).

24 **SECTION 11.** 16.855 (22) of the statutes is amended to read:

BILL

1 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
2 construction work for any project that does not require the prior approval of the
3 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
4 with policies and procedures prescribed by the building commission under s. 13.48
5 (29). If the estimated construction cost of any project, other than a project
6 constructed by or for the University of Wisconsin System that is exempted under sub.
7 (23), is at least \$40,000, and the building commission elects to utilize the procedures
8 prescribed under s. 13.48 (29) to construct the project, the department shall provide
9 adequate public notice of the project and the procedures to be utilized to construct
10 the project on a publicly accessible computer site.

11 **SECTION 12.** 16.855 (23) of the statutes is created to read:

12 16.855 (23) Subsections (1) to (10), (13), and (14) do not apply to construction
13 work for any project constructed by or for the University of Wisconsin System ^{involving a cost of less than \$500,000} that
14 is funded entirely with the proceeds of gifts and grants made to the ^{system} University of
15 ~~Wisconsin System or to any such project involving a cost of not more than \$500,000~~
16 ~~that is funded entirely from sources other than general purpose revenue or general~~
17 ~~fund supported borrowing~~

18 **SECTION 13.** 16.87 (5) of the statutes is created to read:

19 16.87 (5) This section does not apply to any project for the University of
20 Wisconsin System ^{involving a cost of less than \$500,000} that is funded entirely from the proceeds of gifts or grants made
21 to the ^{system} University of Wisconsin System ~~or to any such project involving a cost of not~~
22 ~~more than \$500,000 that is funded entirely from sources other than general purpose~~
23 ~~revenue or general fund supported borrowing.~~

24 **SECTION 14.** 16.89 of the statutes is amended to read:

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SECTION 14

1 **16.89 Construction and services controlled by this chapter.** No
2 department, independent agency, constitutional office or agent of the state shall
3 employ engineering, architectural or allied services or expend money for
4 construction purposes on behalf of the state, except as provided in this chapter and
5 except that the Board of Regents of the University of Wisconsin System may engage
6 such services for any project that is funded entirely from the proceeds of gifts or
7 grants made to the University of Wisconsin System or for any project involving a cost
8 of not more than \$500,000 that is funded entirely from sources other than general
9 purpose revenue or general fund supported borrowing.

10 **SECTION 15.** 36.11 (53) of the statutes is created to read:

11 **36.11 (53) BIDDING PROCEDURES; BUILDING PROJECTS.** The board shall prescribe,
12 by rule, bidding procedures to be used by the system for building projects that are
13 exempted from compliance with s. 16.855 (1) to (10), (13), and (14). Prior to the
14 promulgation of any such rule or amendment thereto, the board shall submit a copy
15 of the proposed rule or amendment thereto in final form to the department of
16 administration, for transmittal to the building commission, and to the
17 cochairpersons of the joint committee on finance. If neither the department nor the
18 cochairpersons of the committee notify the board that the building commission or the
19 joint committee on finance has scheduled a meeting for the purpose of reviewing the
20 proposed rule or amendment thereto within 14 working days after the date of the
21 board's submittal to the department and the cochairpersons, respectively, the board
22 may promulgate the proposed rule or amendment thereto if otherwise authorized to
23 do so. If, within 14 working days after the date of the board's submittal, the
24 department or the cochairpersons notify the board that the building commission or
25 the joint committee on finance has scheduled a meeting for the purpose of reviewing

BILL

1 the proposed rule or amendment thereto, the board shall not promulgate the
2 proposed rule without the approval of the body that scheduled the meeting.

3 **SECTION 16.** 36.29 (6) of the statutes is amended to read:

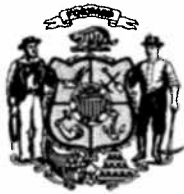
4 36.29 (6) The board may not accept any gift, grant or bequest of real property
5 with a value in excess of ~~\$30,000~~ \$150,000 except as provided in s. 13.48 (2) (b) 1m.

6 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
7 **system.**

8 (1) INTERIM BIDDING PROCEDURES PENDING RULE APPROVAL. Notwithstanding
9 sections 16.855 (23) and s. 36.11 (53) of the statutes, as created by this act, all
10 construction work for each project that is constructed by or for the University of
11 Wisconsin System that is exempted from compliance with the provisions of section
12 16.855 (1) to (10), (13), and (14) of the statutes under this act shall remain subject
13 to the provisions of section 16.855 (1) to (10), (13), and (14) of the statutes until the
14 effective date of the rules required under section 36.11 (53) of the statutes, as created
15 by this act.

16 (END)

(B) (CS) DESIGNATION OF BUILDING PROJECTS. The
Board shall not designate any part of a state building project
that is subject to approval under s. 13.48(10)(a) as a
separate building project.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2191/2
JTK:kjf:jf

2011 BILL

1 **AN ACT to amend** 13.48 (2) (b) 1m., 13.48 (3), 13.48 (4), 13.48 (10) (a), 13.48 (29),
2 16.85 (1), 16.85 (12), 16.855 (20), 16.855 (22), 16.89 and 36.29 (6); and **to create**
3 13.48 (10) (c), 16.04 (1e), 16.855 (23), 16.87 (5) and 36.11 (53) and (53m) of the
4 statutes; **relating to:** construction and contracting procedures for and gifts of
5 real property to the University of Wisconsin System and granting rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for engineering, design, or construction of, or for the reconstruction, remodeling, or expansion of, a building, structure, or facility if the project cost exceeds \$150,000, and if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA.

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DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor.

This bill deletes DOA's and the governor's responsibility for management of, supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the UW if the project involves a cost of less than \$500,000 and is funded entirely from the proceeds of gifts or grants made to the UW System. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project is less than \$500,000 and the project is funded entirely from the proceeds of gifts or grants made to the UW System. Under the bill, the UW System is not required to adhere to any of the bidding requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 without approval of the Building Commission.

This bill requires approval of the Building Commission only for a gift or grant of real property valued in excess of \$150,000.

The bill also directs the Board of Regents of the UW System to promulgate, by rule, bidding procedures to be used by the UW System for building projects that are exempted from compliance with the bidding procedures for state building projects prescribed under current law, subject to disapproval by either the Building Commission or the Joint Committee on Finance.

In addition, the bill provides that the authority of DOA to supervise state vehicle fleet management does not preclude the Board of Regents of the UW System from accepting gifts of motor vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.48 (2) (b) 1m. of the statutes is amended to read:

2 13.48 **(2)** (b) 1m. The University of Wisconsin System may not accept any gift,
3 grant or bequest of real property with a value in excess of ~~\$30,000~~ \$150,000 or any
4 gift, grant or bequest of a building or structure that is constructed for the benefit of
5 the system or any institution thereof without the approval of the building
6 commission.

BILL

1 **SECTION 2.** 13.48 (3) of the statutes is amended to read:

2 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the
3 program, the moneys appropriated to the state building trust fund under s. 20.867
4 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys
5 shall be deposited into the state building trust fund. At such times as the building
6 commission directs, or in emergency situations under s. 16.855 (16) (b), the governor
7 shall authorize releases from this fund to become available for projects and shall
8 direct the department of administration to allocate from this fund such amounts as
9 are approved for these projects. In issuing such directions, the building commission
10 shall consider the cash balance in the state building trust fund, the necessity and
11 urgency of the proposed improvement, employment conditions and availability of
12 materials in the locality in which the improvement is to be made. The building
13 commission may authorize any project costing \$500,000 or less in accordance with
14 priorities to be established by the building commission and may adjust the priorities
15 by deleting, substituting or adding new projects as needed to reflect changing
16 program needs and unforeseen circumstances. The building commission may enter
17 into contracts for the construction of buildings for any state agency, except a project
18 authorized under sub. (10) (c), and shall be responsible for accounting for all funds
19 released to projects. The building commission may designate the department of
20 administration or the agency for which the project is constructed to act as its
21 representative in such accounting.

22 **SECTION 3.** 13.48 (4) of the statutes is amended to read:

23 13.48 (4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each Whenever any
24 state agency contemplating contemplates a project under this the state building
25 program it shall report its proposed projects the project to the building commission.

BILL**SECTION 3**

1 The report shall be made on such date and in such manner as the building
2 commission prescribes. This subsection does not apply to projects identified in sub.
3 (10) (c).

4 **SECTION 4.** 13.48 (10) (a) of the statutes is amended to read:

5 13.48 (10) (a) ~~No~~ Except as provided in par. (c), no state board, agency, officer,
6 department, commission or body corporate may enter into a contract for the
7 construction, reconstruction, remodeling of or addition to any building, structure, or
8 facility, in connection with any building project which involves a cost in excess of
9 \$150,000 without completion of final plans and arrangement for supervision of
10 construction and prior approval by the building commission. The building
11 commission may not approve a contract for the construction, reconstruction,
12 renovation or remodeling of or an addition to a state building as defined in s. 44.51
13 (2) unless it determines that s. 44.57 has been complied with or does not apply. This
14 section applies to the department of transportation only in respect to buildings,
15 structures and facilities to be used for administrative or operating functions,
16 including buildings, land and equipment to be used for the motor vehicle emission
17 inspection and maintenance program under s. 110.20.

18 **SECTION 5.** 13.48 (10) (c) of the statutes is created to read:

19 13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project
20 involving a cost of less than \$500,000 to be constructed for the University of
21 Wisconsin System that is funded entirely from the proceeds of gifts and grants made
22 to the system.

23 **SECTION 6.** 13.48 (29) of the statutes is amended to read:

24 13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855
25 (10m), the building commission may prescribe simplified policies and procedures to

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1 be used in lieu of the procedures provided in s. 16.855 for any project that does not
2 require prior approval of the building commission under sub. (10) (a), except projects
3 specified in sub. (10) (c).

4 **SECTION 7.** 16.04 (1e) of the statutes is created to read:

5 16.04 (1e) Subsection (1) does not preclude the Board of Regents of the
6 University of Wisconsin System from accepting a gift of a motor vehicle.

7 **SECTION 8.** 16.85 (1) of the statutes is amended to read:

8 16.85 (1) To take charge of and supervise all engineering or architectural
9 services or construction work, as defined in s. 16.87, performed by, or for, the state,
10 or any department, board, institution, commission, or officer of the state, including
11 nonprofit-sharing corporations organized for the purpose of assisting the state in the
12 construction and acquisition of new buildings or improvements and additions to
13 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work
14 to be performed for the University of Wisconsin System with respect to a building,
15 structure, or facility involving a cost of less than \$500,000 that is funded entirely
16 with the proceeds of gifts or grants made to the system, and except the engineering,
17 architectural, and construction work of the department of transportation and the
18 engineering service performed by the department of commerce, department of
19 revenue, public service commission, department of health services, and other
20 departments, boards, and commissions when the service is not related to the
21 maintenance, and construction and planning, of the physical properties of the state.
22 The department may not authorize construction work for any state office facility in
23 the city of Madison after May 11, 1990, unless the department first provides suitable
24 space for a child care center primarily for use by children of state employees.

25 **SECTION 9.** 16.85 (12) of the statutes is amended to read:

BILL**SECTION 9**

1 16.85 (12) To review and approve plans and specifications for any building or
2 structure that is constructed for the benefit of the University of Wisconsin System
3 or any institution thereof, and to periodically review the progress of any such
4 building or structure during construction to assure compliance with the approved
5 plans and specifications. This subsection does not apply to any building, structure,
6 or facility that is constructed, remodeled, repaired, renewed, or expanded for the
7 University of Wisconsin System involving a cost of less than \$500,000 if the project
8 is funded entirely from the proceeds of gifts or grants made to the system.

9 **SECTION 10.** 16.855 (20) of the statutes is amended to read:

10 16.855 (20) This section does not apply to construction work performed by
11 University of Wisconsin System students when the construction work performed is
12 a part of a curriculum and where the work is course-related for the student involved.
13 Prior approval of the building commission must be obtained for all construction
14 projects to be performed by University of Wisconsin System students, except projects
15 specified in s. 13.48 (10) (c).

16 **SECTION 11.** 16.855 (22) of the statutes is amended to read:

17 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
18 construction work for any project that does not require the prior approval of the
19 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
20 with policies and procedures prescribed by the building commission under s. 13.48
21 (29). If the estimated construction cost of any project, other than a project
22 constructed by or for the University of Wisconsin System that is exempted under sub.
23 (23), is at least \$40,000, and the building commission elects to utilize the procedures
24 prescribed under s. 13.48 (29) to construct the project, the department shall provide

BILL

1 adequate public notice of the project and the procedures to be utilized to construct
2 the project on a publicly accessible computer site.

3 **SECTION 12.** 16.855 (23) of the statutes is created to read:

4 16.855 (23) Subsections (1) to (10), (13), and (14) do not apply to construction
5 work for any project constructed by or for the University of Wisconsin System
6 involving a cost of less than \$500,000 that is funded entirely with the proceeds of gifts
7 and grants made to the system.

8 **SECTION 13.** 16.87 (5) of the statutes is created to read:

9 16.87 (5) This section does not apply to any project for the University of
10 Wisconsin System involving a cost of less than \$500,000 that is funded entirely from
11 the proceeds of gifts or grants made to the system.

12 **SECTION 14.** 16.89 of the statutes is amended to read:

13 **16.89 Construction and services controlled by this chapter.** No
14 department, independent agency, constitutional office or agent of the state shall
15 employ engineering, architectural or allied services or expend money for
16 construction purposes on behalf of the state, except as provided in this chapter and
17 except that the Board of Regents of the University of Wisconsin System may engage
18 such services for any project involving a cost of less than \$500,000 that is funded
19 entirely from the proceeds of gifts or grants made to the system.

20 **SECTION 15.** 36.11 (53) and (53m) of the statutes are created to read:

21 36.11 (53) BIDDING PROCEDURES; BUILDING PROJECTS. The board shall prescribe,
22 by rule, bidding procedures to be used by the system for building projects that are
23 exempted from compliance with s. 16.855 (1) to (10), (13), and (14). Prior to the
24 promulgation of any such rule or amendment thereto, the board shall submit a copy
25 of the proposed rule or amendment thereto in final form to the department of

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1 administration, for transmittal to the building commission, and to the
2 cochairpersons of the joint committee on finance. If neither the department nor the
3 cochairpersons of the committee notify the board that the building commission or the
4 joint committee on finance has scheduled a meeting for the purpose of reviewing the
5 proposed rule or amendment thereto within 14 working days after the date of the
6 board's submittal to the department and the cochairpersons, respectively, the board
7 may promulgate the proposed rule or amendment thereto if otherwise authorized to
8 do so. If, within 14 working days after the date of the board's submittal, the
9 department or the cochairpersons notify the board that the building commission or
10 the joint committee on finance has scheduled a meeting for the purpose of reviewing
11 the proposed rule or amendment thereto, the board shall not promulgate the
12 proposed rule without the approval of the body that scheduled the meeting.

13 **(53m)** DESIGNATION OF BUILDING PROJECTS. The board shall not designate any
14 part of a state building project that is subject to approval under s. 13.48 (10) (a) as
15 a separate building project.

16 **SECTION 16.** 36.29 (6) of the statutes is amended to read:

17 36.29 (6) The board may not accept any gift, grant or bequest of real property
18 with a value in excess of ~~\$30,000~~ \$150,000 except as provided in s. 13.48 (2) (b) 1m.

19 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
20 **system.**

21 (1) INTERIM BIDDING PROCEDURES PENDING RULE APPROVAL. Notwithstanding
22 sections 16.855 (23) and s. 36.11 (53) of the statutes, as created by this act, all
23 construction work for each project that is constructed by or for the University of
24 Wisconsin System that is exempted from compliance with the provisions of section
25 16.855 (1) to (10), (13), and (14) of the statutes under this act shall remain subject

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1 to the provisions of section 16.855 (1) to (10), (13), and (14) of the statutes until the
2 effective date of the rules required under section 36.11 (53) of the statutes, as created
3 by this act.

4 (END)